IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:06CV3

SHIRLEY J. BUMGARNER,	)	
	)	
Plaintiff,	)	
v.	)	**MEMORANDUM OF DECISION**
	)	
JO ANNE B. BARNHART,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

THIS MATTER is before the court on the consent of the parties entered in accordance with 28, United States Code, Section 636(c), and under the motion of the defendant, Jo Anne B. Barnhart, the Commissioner of Social Security ("Commissioner"), who has moved pursuant to sentence four of 42, United States Code, Section 405(g), for entry of a judgment reversing her decision with a remand of the cause for further administrative proceedings. Plaintiff consents to this motion, and the court concurs with the proposed relief.

On remand to the Commissioner, the Administrative Law Judge ("ALJ") will reconsider Plaintiff's cognitive impairment and its effect on her capacity to perform work-related activities. The ALJ will also allow Plaintiff to provide further evidence of her medical condition; provide a function by function assessment of Plaintiff's physical and mental RFC; and, compare that assessment to the requirements of Plaintiff's past relevant work per SSR 82-62. The ALJ will then issue a new decision based on all of the evidence of record.

Pursuant to 42, United States Code, Section 405(g), which provides for the entry of a judgment affirming, modifying or reversing the Commissioner's decision with remand under sentence four, and in light of the Commissioner's and plaintiff's request to remand this action for

further proceedings, the court will **REVERSE** the Commissioner's decision under sentence four of 42 U.S.C. § 405(g), and **REMAND** the cause to the Commissioner for further proceedings not inconsistent with this decision and the agreement of the parties. See Melkonyan v. Sullivan, 111 S. Ct. 2157(1991). Such determination is reflected in a Judgment filed simultaneously herewith.

Signed: March 20, 2006

Dennis L. Howell
United States Magistrate Judge